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In re Application of
Steven M. Bessette
Application No. 10/810,859
Filed: March 29, 2004
Attorney Docket Number:
4380-154

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OFFICE OF PETITIONS

ON PETITION

This is a decision on the correspondence entitled Response to Notice of Omitted Item(s) in a Nonprovisional Application, filed June 24, 2004, requesting the above-identified application be accorded a filing date of March 29, 2004, including pages 64 and 65 of the specification. The correspondence is properly treated as a petition under 37 CFR 1.53.

The petition is granted.

The application was filed on March 29, 2004. However, on June 7, 2004, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application, noting that the application had been accorded a filing date; however, pages 64 and 65 of the specification appeared to have been omitted from the application.

In response, Petitioner files the instant petition wherein Petitioner avers that pages 64 and 65 of the specification were included among 67 pages of Specification, Claims and Abstract filed initially, on March 29, 2004, and were received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of, *intern alia*, 67 pages of Specification, Claims and Abstract, filed on March 29, 2004.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 67 pages of Specification, Claims, and Abstract, by this Office on March 29,

2004. Petitioner has also re-submitted pages 64 and 65 of the specification with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted. The copy of pages 64 and 65 of the specification, supplied with the instant petition on June 24, 2004, will be used for examination purposes.

No petition fee is required, and none has been charged.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of March 29, 2004, and an indication that pages 64 and 65 of the Specification were included among 67 pages of Specification, Claims and Abstract that were present on filing on March 29, 2004.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Derek L. Woods at (703) 305-0014.



Derek L. Woods
Petitions Attorney
Office of Petitions